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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 MAX REED, II,

Case No. 2:17-cv-00648-RFB-PAL

10 Petitioner,

ORDER

11 v.

12 JO GENTRY,

13 Respondent.

14 Petitioner has submitted a *pro se* petition for writ of habeas corpus, pursuant to  
15 28 U.S.C. § 2254 (ECF No. 1-1). Petitioner has submitted an application to proceed *in*  
16 *forma pauperis*, but he has not submitted the required financial certificate or inmate  
17 account statements. Accordingly, this matter has not been properly commenced. 28  
18 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

19 This action therefore is subject to dismissal without prejudice as improperly  
20 commenced. However, it appears from the papers presented that a dismissal without  
21 prejudice may materially affect a later analysis of any timeliness issue with regard to a  
22 new action.<sup>1</sup>

23 Accordingly, petitioner shall have thirty (30) days to either (1) pay the \$5.00 filing  
24 fee or (2) submit a financial certificate completed and signed by an authorized officer  
25 and an inmate account statement for the past six months. Failure to do so may result in  
26 the dismissal of this action without prejudice.

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28 <sup>1</sup> This court takes judicial notice of the docket of the Nevada Supreme Court, which reflects that the Nevada Supreme Court affirmed the denial of petitioner's state postconviction habeas petition on April 14, 2016 (Case No. 67842). Remittitur issued on May 9, 2016.

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**IT IS THEREFORE ORDERED** that within **thirty (30) days** of the date of this order petitioner shall submit a completed financial certificate and his inmate account statement for the past six months.

**IT IS FURTHER ORDERED** that if petitioner fails to comply with this order, this action may be dismissed without prejudice.

DATED: June 26, 2017.



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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE